

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 6152 OF 2022

Between:

1. Smt.Khanapur Vijaya, w/o K.Devaji Age 65 years, Occ. Agriculture and Business, r/o H.No. 1-4-20/B, Rajendranagar Street, Mahabubnagar town and District.
2. C.Naresh Kumar, S/o C.Krishnaiah, Age 31 years, Occ. Agriculture and Business, r/o H.No. 1-10-23/4/A/3, Sha Saheb Gutta, Mahabubnagar Town and District.

...PETITIONERS

AND

1. The State of Telangana, represented by its Principal Secretary, Department of Stamps and Registration, Secretariat, Hyderabad.
2. The Commissioner and Inspector General, Registration and Stamps, Telangana, O/o Mojamjahi Market Road, Hyderabad.
3. The Sub-Registrar, Mahabubnagar, Mahabubnagar District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondent No.3. in refusing to receive, process, register and release the sale deeds or any other documents pertaining to the house plots of the petitioner viz., Plot No.1,2,3,4,5,6,7,10, 11, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 50 and 51 in the land bearing Sy.No.465/1A/A extent Ac.2-25gts situated in the limits of Edira village, Mahabubnagar Mandal and District., on the guise of the issuance of the Memo No. G2/257/2019 Dated. 26-8-2020 issued by the Respondent No.2., as arbitrary, unjust, illegal, without jurisdiction, contrary to the provisions contained under the Registration Act, 1908 and has the effect of violation of fundamental rights guaranteed to the petitioner

u/a 14, 21 and 300-A of Constitution of India, and consequently direct the Respondent No.3. to receive, process, register and release the sale deeds or any other documents presented by the petitioner in respect of house plots viz., Plot No.1,2,3,4,5,6,7,10, 11, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 50 and 51 in the land bearing Sy.No.465/ 1A/A extent Ac.2-25gts situated in the limits of Edira village, Mahabubnagar Mandal and District.,without reference to the Memo No. G2/257/2019, Dt. 26-8-2020 issued by the 2nd Respondent.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.3. to receive, process, register and release the sale deeds or any other documents presented by the petitioner in respect of house plots viz., Plot No.1,2,3,4,5,6,7,10, 11, 14, 15, 16, 17, 18, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 50 and 51 in the land bearing Sy.No.465/1A/A extent Ac.2-25gts situated in the limits of Edira village, Mahabubnagar Mandal & District., without reference to the Memo No: G2/257/2019, Dt: 26-8-2020 issued by the 2nd Respondent.

Counsel for the Petitioners:SRI. K.VENKATESH GUPTA

Counsel for the Respondents: AGP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.6152 of 2022

ORDER:

Heard both sides and perused the material on record.

2. It is submitted by the learned counsel on either side that subject matter of this writ petition is squarely covered by the common order passed by this Court in W.P. No.328 of 2022 and batch dated 18.02.2022 as modified by the order dated 22.02.2022 in I.A. No.2 of 2022 in W.P. No.2985 of 2022 and batch, as such, this writ petition may be disposed of in terms thereof.

3. Therefore, following the common order dated 18.02.2022 in W.P. No.328 of 2022 and batch as modified by the order dated 22.02.2022 in I.A. No.2 of 2022 in W.P. No.2985 of 2022, in terms thereof, this writ petition is disposed of as under without any order as to costs:

(i) The respondent - Sub-Registrar is directed to register the document of sale, transfer and gift etc., presented for registration by the petitioner/s without reference to the Memo Nos.G2/257/2019 dated 26.08.2020 and 29.12.2020 issued by the respondent - the Commissioner and Inspector General of Registration and Stamps, Telangana; Letter No.45/TP/NMC/2019 dated 01.11.2019 issued by the respondent - the Commissioner, Municipal Corporation,

Nizampet to the respondent - the Sub Registrar, Quthbullapur, Ranga Reddy District, and similar letters, if any, issued by the various Municipal Commissioners in the State;

(ii) the Sub Registrars in the State shall make an endorsement at the reverse side of the first page of the document referred in direction No.(i) that registration so done is subject to outcome of SLP (Civil) No.19695 of 2021 filed by the State Government before the Hon'ble Supreme Court; and

(iii) in case, it is found that there is any violation of law like plots / lands / structures being sold form part of F.T.L. and Buffer Zone / Plots having less than 30 feet road width access, the Sub Registrar shall make an endorsement informing / cautioning the purchasers that risk is involved in purchase of such plots; such transactions are hit by relevant statutory provisions; that registration of the same is subject to outcome of orders of the Hon'ble Supreme Court in SLP (Civil) No.19695 of 2021. To that effect, an endorsement shall be made on the reverse side of the first / second page of the document and also in the encumbrance record, website etc.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

**SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Stamps and Registration, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner and Inspector Général, Registration and Stamps, Telangana, O/o Mojamjahi Market Road, Hyderabad.

3. The Sub-Registrar, Mahabubnagar, Mahabubnagar District.
4. One CC to SRI. K.VENKATESH GUPTA Advocate [OPUC]
5. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana.
[OUT]
6. Two CD Copies.
7. One Spare Copy.

GB

BS

HIGH COURT

DATED:22/02/2022

ORDER

WP.No.6152 of 2022



DISPOSING OF THE WP
WITHOUT COSTS.

9
[Signature]
01/04/2022